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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 KENT WARD,

No C 09-4565 VRW

11 Plaintiff,

ORDER

12 v

13 EQUILON ENTERPRISES LLC and SHELL
14 OIL PRODUCTS COMPANY LLC,

15 Defendant.
16 _____/

17 Defendants removed this action from Contra Costa County
18 superior court on September 28, 2009, alleging the court had
19 diversity jurisdiction pursuant to 28 USC § 1332. Doc #1. On
20 January 8, 2010, the court ordered defendants to show cause why the
21 case should not be remanded, as defendants had not shown by a
22 preponderance of the evidence that the amount in controversy
23 requirement was satisfied. Doc #17.

24 Defendants' response to the order asserts that at the
25 time of removal the amount in controversy exceeded one million
26 dollars. Doc #18 at 3. In support, defendants cite to the
27 declaration of Jeff Bullen, the Risk & Insurance Advisor for
28 defendant Shell Oil Company. Doc #19. The Bullen declaration

1 states "the amount of worker's compensation insurance benefits that
2 Zurich had paid to Mr Ward as of [September 2, 2009] * * * totaled
3 \$1,003,257 in benefits (lost wages, medical bills, and the like)
4 plus an additional \$160,991 in expenses." Id at ¶ 5. Plaintiff's
5 complaint seeks, among other things, medical expenses and lost
6 wages. Doc #1 at 8. It is thus fair to conclude that \$1,003,257
7 Zurich has paid to Mr Ward to cover "lost wages, medical bills, and
8 the like" represents at least a portion of the amount in
9 controversy.

10 Defendants' response is sufficient for the court to
11 conclude by a preponderance of the evidence that the amount in
12 controversy exceeds \$75,000. Accordingly, pursuant to 28 USC §
13 1332, the court will exercise jurisdiction over the case and the
14 order to show cause, Doc #17, is DISCHARGED.

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16 IT IS SO ORDERED.

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19 VAUGHN R WALKER
20 United States District Chief Judge
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